IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1113 of 2005

Between:

Karna Surya Kumari, W/o Ramdas, Hindu,
R/o Laxmanaeswaram, Narsapur Mandal, West Godavari District.

..... PETITIONER

AND

1 The Deputy Registrar of Cooperative Societies (FAC). Bhimavaram, West Godavari District.
2 The Assistant Registrar/Sale Officer, The Narasapuram Cooperative Urban Bank Limited, Narasapuram, West Godavari District.
3 The Narasapuram Cooperative Urban Bank Limited, Narasapuram, West Godavari District, rep. by its Assistant Registrar/Parttime Secretary.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order of direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ, declaring the action of the 1st respondent in issuing Form - 9 vide his proceedings in E.P.No. 907/2004/2005 dated 14-12-2004 to put the house and house site of the petitioner to sale on1-2-2005 situated at Laxmaneswaram Village, Narasapur Mandal, West Godavari District as illegal, arbitrary and violative of Principles of natural justice and it is further consequentially prayed that this Hon'ble Court may be pleased to set aside the said Form - 9 Proceedings and it is further consequentially prayed that this Hon'ble Court may be pleased to remand the matter to the 1st respondent a fresh decision after duly hearing the petitioner by giving her an opportunity to participate in the proceedings by providing her all the necessary document and pass such other or further order.

Counsel for the Petitioner:MR.S.R.SANKU

Counsel for the Respondents: GP FOR COOPERATION

The Court, at the stage of admission, made the following :

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ORDER:

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This writ petition is filed challenging the action of the 1st respondent in issuing notice in Form No.9 in E.P.No.907/2004/2005, dated 14.12.2004. According to the petitioner, she raised only a sum of Rs.15,000/- as loan, whereas the E.P. is filed for a sum of Rs.1,82,360/-, that too after she paid about Rs.40,000/-. Initially, this Court granted stay after the notice was served on the respondents. They have placed before this Court the ledger account of the petitioner. It discloses that under ledger No.4205, the petitioner was advanced a loan of Rs.1,00,000/-, out of that, a sum of about Rs.40,000/- is paid so far. Petitioner pretends ignorance of the proceedings as well as the loan account. If the petitioner has any grievance, she can approach the 1st respondent with necessary representation and thereafter initiate proceedings before the Tribunal, if she is so advised.

Hence, the writ petition is dismissed leaving it open to the petitioner to work her remedies in the Cooperative Tribunal by filing an appeal, if she is so advised. To enable her to take such steps, it is directed that the status quo obtaining as on today shall be maintained for a period of fifteen days. No order as to costs.

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L.NARASIMHA REDDY, J

Dated : 16.02.2005

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To

1 The Deputy Registrar of Cooperative Societies (FAC). Bhimavaram, West Godavari District.
2 The Assistant Registrar/Sale Officer, The Narasapuram Cooperative Urban Bank Limited, Narasapuram, West Godavari District.
3 The Narasapuram Cooperative Urban Bank Limited, Narasapuram, West Godavari District, rep. by its Assistant Registrar/Parttime Secretary.

4 2 CCs to the Government Pleader for Cooperation, High Court Buildings, Hyderabad. (OUT)

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